**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/746,192	
	Filing Date	December 21, 2000
	First Named Inventor	James A. Parker
	Group Art Unit	2876
Examiner Name	Le, Thien Minh	
Attorney Docket Number	283-205.03 CON	
Total Number of Pages in This Submission		

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/17 Fee Transmittal (1 pg.), Information Disclosure Statement Under 37 CFR §1.97 and §1.98 (2 pgs.), PTO/SB/08A (1 pg.), PTO/SB/08B (2 pgs.), One copy of each Cited Reference (AA-BE) including Court Documents and Manuals, Certificate of First Class Mailing, and Return Mailroom Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Wall Marjama & Bilinski LLP George S. Blasiak	Reg. No. 37,283
Signature		
Date	June 14, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:		
		June 14, 2004
Typed or printed name	Tammy S. Senecal	
Signature		Date June 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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2876
PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/03. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	09/746,192
Filing Date	December 21, 2000
First Named Inventor	James A. Parker
Examiner Name	Le, Thien Minh
Group Art Unit	2876
Attorney Docket No.	283-205.03 CON

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number

50-0289

Deposit
Account
Name

Wall Marjama & Bilinski LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fees from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3* =		
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)180.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	George S. Blasiak	Registration No. (Attorney/Agent)	37,283	Telephone	(315) 425-9000
Signature				Date	June 14, 2004

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

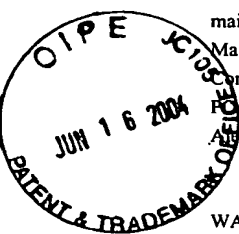
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PATENT

Attorney Docket No. 283-205.03 CON



WALL MARJAMA & BILINSKI LLP

By:

Tammy S. Serrecal
Tammy S. Serrecal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James A. Parker et al.

Application No.: 09/746,192

Filed: December 21, 2000

For: Reprogrammable Optical Reader

Examiner: Le, Thien Minh

Art Unit: 2876

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR § 1.97 and
§ 1.98

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97 and § 1.98**

Sir:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the cited References, Court Documents, and Manuals are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

06/17/2004 SSANDARA 00000001 09746192

180.00 OP

01 FC:1806

Patents owned by the Assignee and related to the present application were subject to assertions of invalidity and unenforceability in Civil Action No. 03-CV-102. All claims of invalidity and inequitable conduct relative to the Assignee's patents were dismissed from Civil Action No. 03-CV-102 prior to discovery relating to Assignee's patents, and the parties in that matter have settled.

U.S. Patent No. 5,723,853, a continuation of an ancestor patent of the present application was subject to suit in Civil Action No. 04-003-A (see Defendant Answer, Reference No. AP). Civil Action No. 04-003-A was settled during discovery relative to U.S. Patent No. 5,723,853. MPEP §2001.06(c) states that "where the subject matter for which a patent is being sought is or has been involved in litigation, the existence of the litigation and any other material information arising therefrom must be brought to the attention of the U.S. Patent and Trademark Office."

The Examiner is respectfully requested to notify the Applicants if the Examiner believes that the subject matter for which a patent is being sought in the present application is the subject matter of U.S. Patent No. 5,723,853.

Applicants believe that a fee is required for submission of this statement. We enclose our check for \$180.00. The Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0289. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted



George S. Blasiak
Reg. No. 37,283

WALL MARJAMA & BILINSKI LLP
101 South Salina Street, 4th Floor
Syracuse, New York 13202
Tel: 315 425-9000
Fax: 315 425-9114
Customer No. 20874

Date: June 14, 2004



PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/746,192
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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

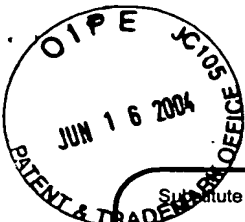
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AM	Civil Action No. 03-102-SLR, Complaint, Date January 21, 2003, pages 1-14.	
	AN	Civil Action No. 03-102-SLR, Memorandum Order, Date November 14, 2003, pages 1-12.	
	AO	Civil Action No. 03-102-SLR, Stipulation and Order, Date December 11, 2003, pages 1-3.	
	AP	Civil Action No. 04-003-A, Defendant Symbol Technologies, Inc.'s Amended Answer and Counterclaims, March 8, 2004, pages 1-17.	
	AQ	Intermec J7010 Hand-Held Imager User's Manual, Undated, but includes 1995 Copyright Notice, pages 1-A7.	
	AR	Welch Allyn Scanteam 2400 User's Guide, Revision A, December 1995 (estimated), pages 1-52.	
	AS	Welch Allyn Imagetteam 4400 2D Hand-Held Imager User's Guide, Revision D, February, 1978 (estimated), Pages 1-1 through 5-2.	
	AT	Welch Allyn Scanteam 6180 Programming Menu, Revision F, October 1995 (estimated), pages 1-15.	
	AU	Welch Allyn Scanteam 6180/6280 Wand Technical Manual, Revision E, 12/16/1996 (estimated), pages 1-1 through A-2.	
	AV	Welch Allyn Imagetteam 4400 2D User's Guide, June 1997, Revision A, June, 1997 (estimated), pages 1-1 through 5-2.	
	AW	Metanetics Corp., IR-2000 Hand Held Image Reader User's Guide, Release Date November, 1996, pages 1-79.	
	AX	Metanetics Corp., IR-2000HD Hand Held Image Reader User's Guide, March 1998, Version 2.6, pages 1-125.	
	AY	NCR 7890 Presentation Scanner Installation Guide, Release F, April 30, 1997, pages 1-36.	
	AZ	Symbol Product Reference Guide, WK 2080 Bar Code Scanning System, Revision B, May 1993, pages 1-P55.	
	BA	Symbol Product LS 4000 Product Reference Guide, Revision A, December 1995, pages 1-1 through 2-65.	

Examiner
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
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		Art Unit	2876
		Examiner Name	Le, Thien Minh
Sheet 1 of 2	Attorney Docket Number	283-205.03 CON	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BB	Symbol Product 9100 Product Reference Guide, Revision A, November 1995, pages 1-1 through A-8.	
	BC	Symbol LS 4800 Series Product Reference Guide, Revision A, May 1996, pages 1-1 through G-1.	
	BD	Symbol LS 4800 Quick Reference, undated, but includes 1997 copyright notice, Copyright 1997 Symbol Technologies, Inc., pages 1-90.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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